

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 08-243
Table of Allotments,	)	RM-11490
FM Broadcast Stations.	)	RM-11539
(Culebra, Puerto Rico and Charlotte Amalie, and	)	
Christiansted Virgin Islands) <sup>1</sup>	)	
	)	
	)	
	)	

**ORDER TO SHOW CAUSE**

**Adopted: April 7, 2010**

**Released: April 9, 2010**

**Comment Date: May 10, 2010**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a counterproposal filed by La Mas Z Radio Corporation ("Las Mas") in response to the *Notice of Proposed Rule Making*,<sup>2</sup> which requires the issuance of this *Order to Show Cause* directed at Radio 95, Incorporated, ("Radio 95"), licensee of FM Station WJKC, Channel 236B, Christiansted, Virgin Islands.

2. Las Mas filed a timely counterproposal in response to the *Notice's* proposed deletion of vacant Channel 271B at Charlotte Amalie, Virgin Islands. Specifically, the counterproposal requests the substitution of Channel 237B for vacant Channel 271B at Charlotte Amalie that accommodates the Station WNVE-FM hybrid contingent application, which requests the substitution of Channel 271A for Channel 254A at Culebra, and modification of the Station WNVE-FM license.<sup>3</sup> To accommodate the proposed Channel 237B substitution at Charlotte Amalie, Las Mas requests the substitution of Channel 224B for Channel 236B at Christiansted, Virgin Islands, and modification of the Station WJKC license. For this reason, we are issuing this show cause order to Radio 95, licensee of Station WJKC, to show cause why its license should not be modified to Channel 224B in lieu of Channel 236B at Christiansted.

3. Section 316(a) of the Communications Act of 1934, as amended,<sup>4</sup> permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>5</sup> We find that the Las Mas counterproposal has sufficient public interest benefits to justify the issuance of a show

<sup>1</sup> Culebra, Puerto Rico and Christiansted, Virgin Islands have also been added to the caption. See *Public Notice*, Report No. 2890, released June 23, 2009.

<sup>2</sup> See *Charlotte Amalie, Virgin Islands*, 24 FCC Rcd 203 (MB 2009) ("Notice").

<sup>3</sup> See File No. BMPH-20071211AAQ.

<sup>4</sup> 47 U.S.C. § 316(a) (the "Act").

<sup>5</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

cause order. Therefore, we are issuing this *Order to Show Cause* directed to Radio 95, requesting the licensee to show cause why its station's channel should not be modified as proposed herein. Las Mas states that if it prevails at auction for the Charlotte Amalie Channel 237B construction permit it would reimburse Radio 95 for the reasonable costs incurred in connection with the proposed channel change for FM Station WJKC consistent with the *Circleville* policy.<sup>6</sup>

4. Accordingly, IT IS ORDERED, That pursuant to the Act, Radio 95, Incorporated, licensee of Station WJKC, Christiansted, Virgin Islands, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 224B in lieu of Channel 236B.

5. Pursuant to Section 1.87 of the Communications Rules, the above affected licensee may, no later than May 10, 2010, file a written statement showing with particularity why their respective license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the respective licensee will be deemed to have consented to the respective modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Shelley Sadowsky, Esq.  
Katten Muchin Roseman, LLP  
1025 Thomas Jefferson St., N.W.  
Suite 700 East  
Washington, D.C. 20007

Radio 95, Incorporated  
P.O. Box 25680  
(St. Croix Island)  
Christiansted, Virgin Islands 00824

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

---

<sup>6</sup> See *Circleville, Ohio*, 8 FCC 2d 159 (1967).